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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

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In Re:	)	Case No.:	16-32728
Chadell M Tribett	)		
	)	Chapter 13	
	)		
	)	Judge Timothy A. Barnes	
Debtor(s)	)		

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NOTICE OF MOTION

TO: Chadell M Tribett, 821 E 87th Pl. Chicago, IL 60619 *via mail*

Trustee Marilyn Marshall, 224 S. Michigan Ave., #800, Chicago, IL 60604 *via ECF clerk's electronic delivery system*

U.S. Trustee, 219 S. Dearborn Suite 873, Chicago, IL 60604 *via ECF clerk's electronic delivery system*

See attached service list

PLEASE TAKE NOTICE that on **June 4, 2020 at 1:30 pm.** I shall appear before the Honorable Timothy A. Barnes at the Dirksen Federal Court, 219 S. Dearborn, Courtroom 744, Chicago, Illinois 60604 or any judge presiding and then and there present the **Motion**, a copy of which is attached hereto. If any party objects to the attached Motion, they must file a Notice of Objection no later than two (2) business days before the presentment date. If an Objection is timely filed, the Motion will be called and a hearing on the Motion will be held before the Court on the date of presentment. If a Notice of Objection is not timely filed, the Court may grant the Motion without a hearing before the date of presentment.

By: /s/ David H. Cutler  
David H. Cutler

CERTIFICATE OF SERVICE

I, David H. Cutler, hereby certify that I caused to be served, electronically or through U.S. Mail, a copy of the foregoing Notice and Motion upon the parties named above on May 14, 2020 before the hour of 7:00 p.m.

By: /s/ David H. Cutler  
David H. Cutler, esq.  
Counsel for Debtor(s)  
Cutler & Associates, Ltd.  
4131 Main St.  
Skokie, IL 60076  
Phone: (847) 673-8600

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MOTION TO MODIFY PLAN POST CONFIRMATION

NOW COMES the Debtor, Chadell M Tribett (hereafter referred to as “the Debtor”), by and through her attorneys, The Law Offices of Cutler & Associates, Ltd., to present this Motion and state as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 USC 1334 and this is a "core proceeding" under 28 USC 157(b)(2).
2. The Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on October 13, 2016 and her Plan was confirmed on January 5, 2017.
3. The Debtor’s confirmation Order provides for a plan payment of \$220 for 36 months with unsecured creditors receiving at least 9% of their unsecured claims.
4. The Debtor’s plan was modified on September 28, 2017 to defer the unpaid tax refund for 2016 to the end of the plan. On November 8, 2018, the plan was modified to increase the plan payment to \$450 a month beginning December 2018 until the end of the plan to account for the addition of tax debt. On May 16, 2019, the plan was modified allowing the Debtor to keep \$1,200 of her tax refund, to defer the unpaid tax refund for 2018 to the end of the plan and to increase her plan payment to \$670 a month beginning June 2019 until the end of the plan.

5. The Debtor filed her 2019 taxes and her refund is \$4,788. The amount required for the Debtor to turnover is \$3,588. Debtor's 2019 taxes are attached. See Exhibit A.
6. The Debtor had moved in January 2020 as the home she was renting sustained water damage as a pipe burst causing parts of the ceiling to fall and some of her furniture was damaged. Debtor incurred moving expenses, a truck rental and moving/packing supplies and had to pay for her security deposit along with rent which has now increased to \$1,500 a month, all these expenditures caused her to fall behind on her other living expenses.
7. The Debtor incurred out of pocket expenses of \$2,453.94 purchasing new furniture to replace the water damaged items as she did not have renter's insurance and she bought bedroom furniture and a living room set. See Exhibit B.
8. The Debtor is seeking to keep her entire tax refund for 2019 as she incurred necessary out of pocket expenses for the furniture purchases to replace her damaged items and she paid her March 2020 and April 2020 rent which has increased to \$1,500 per month.
9. The Debtor respectfully asks this Honorable Court permission to keep all of her 2019 tax refund.

WHEREFORE, Debtor respectfully prays that this Court enter an Order allowing the Debtor to keep the entire tax refund for the year 2019 and for such other and further relief that this court deems just and proper.

Dated: May 14, 2020

Respectfully Submitted,

By: /s/ David H. Cutler  
David H. Cutler, esq.  
Counsel for Debtor(s):  
4131 Main St.  
Skokie, IL 60076  
Phone: (847) 673-8600